

*O. Gauer*  
#513  
D15/03

Title: "Artificial Rock Fragrance Delivery System"

Serial No. 09/779,175

Attorney Docket No. P016937-01DV

Responsive to Office Action Mailed December 18, 2002

Date: February 26, 2003



**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

In re APPLICATION of: Mosbaugh, James )  
Serial No: 09/779,175 ) Group Art Unit: 1743  
Filed: 02/08/2001 ) Examiner: Cole, Monique T.  
For: Artificial Rock Fragrance Delivery System )  
Attorney Docket: P991794-02UT )

---

Assistant Commissioner of Patents  
BOX RESPONSES – NO FEE  
Washington, D.C. 20231

Dear Sir:

**RESPONSE**

**RECEIVED**  
MAR 04 2003  
TC 1700

In response to the Office Action mailed December 18, 2002, Applicant requests reconsideration of the above-referenced application in light of this response and amendment as stated in the following paragraphs.

*Change to  
103; make  
final*

The Examiner has rejected claims 7 and 9 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,149,474 issued to Rohatyn. The Examiner states that Rohatyn teaches a method of making glass that includes forming molds of an amorphous fused silica composition comprising similar materials and methods as this applicant claims.

Applicant agrees with the Examiner that one could read claims 7 and 9 as covering the material disclosed in Rohatyn. Clearly though these are two very different materials. The

FOWLER WHITE BOGGS BANKER P.A.

TAMPA • CLEARWATER • FORT MYERS • NAPLES • ST. PETERSBURG • TALLAHASSEE • WEST PALM BEACH

Title: "Artificial Rock Fragrance Delivery System"  
Serial No. 09/779,175  
Attorney Docket No. P016937-01DV  
Responsive to Office Action Mailed December 18, 2002  
Date: February 26, 2003

Rohatyn material is a hard, compact silica composition that is used to make molds that are durable and nonporous enough to accept the molten glass that is poured into the molds to make specialty glass items such as stemware. On the other hand the material of this application is an extremely porous agglomeration of fused microspheres with tremendous interior surface area and very low density. This is clearly a very different material from the mold material of Rohatyn.

Recognizing the need to make it clear that the material of Applicant's invention and the Rohatyn material are very different materials Applicant has amended claim 7 below by adding language more specifically describing the nature of the first drying step. This step now shows that particles of the mixture are formed as part of the drying process which is more fully described in the preferred embodiment at paragraphs 26 and 30. This results in a very different material from the Rohatyn solid molds that are dried. Amended claim 7 is now in condition for allowance. Since claim 9 depends from claim 7, it should also now no longer be anticipated by Rohatyn. Since the rest of the claims are now dependent on an allowable claim, all the claims are in condition for allowance.  
*SD*

Please note that Applicant has also amended the title and cross- reference sections of the application to be more consistent with the previously issued patent from which this Divisional Application dates.

The amended claims in this important patent application are in fact drawn to a new, useful and nonobvious invention. Accordingly, Applicant respectfully submits that the invention as now claimed is clearly patentable over Rohatyn and claims 7 through 13 and claims 15 through 19 are in condition for allowance.